

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA


UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
Geronimo CRISTOBAL-Martinez,  
Defendant.

Mag. Case No. **'08 MJ 8823**  
COMPLAINT FOR VIOLATION OF  
Title 8, U.S.C., Section 1326  
Deported Alien Found in the United States

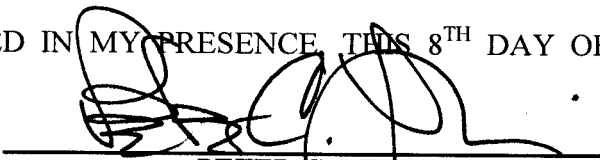
The undersigned complainant being duly sworn states:

On or about September 6, 2008, within the Southern District of California, defendant Geronimo CRISTOBAL-Martinez, an alien, who previously had been excluded, deported or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
OSCAR U. SANCHEZ  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8<sup>TH</sup> DAY OF  
SEPTEMBER 2008.

  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

## PROBABLE CAUSE STATEMENT

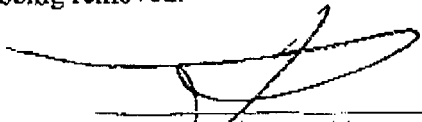
The complainant states this complaint is based upon the investigative reports that the Defendant, Geronimo CRISTOBAL-Martinez a citizen of Mexico, was arrested on September 6, 2008, near Calexico, California for being illegally present in the United States.

Border Patrol Agents encountered Geronimo CRISTOBAL-Martinez after he had crossed the International Boundary with Mexico into the United States. CRISTOBAL was questioned and it was determined he is a citizen of Mexico illegally in the United States. CRISTOBAL was arrested for being illegally present in the United States.

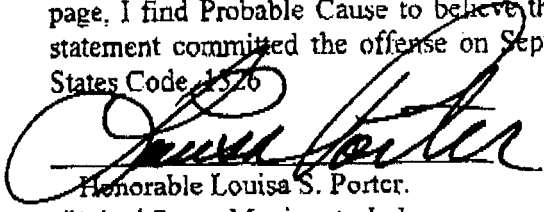
At the Station a records check of CRISTOBAL revealed he was recently removed from the United States on September 3, 2008. Further records check revealed CRISTOBAL has a serious criminal record.

There is no evidence of CRISTOBAL having sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Executed on September 7, 2008, at 12:00 P.M.

  
Michael Mikuski  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on September 6, 2008 in violation of Title 8, United States Code, 1326.

  
Honorable Louisa S. Porter  
United States Magistrate Judge

9/9/08 12:20 pm  
Date/Time